

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

(609) 989-2182

CHAMBERS OF
FREDA L. WOLFSON
UNITED STATES DISTRICT JUDGE

Clarkson S. Fisher Federal Building &
U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

August 23, 2012

**LETTER MEMORANDUM
AND ORDER**

William W. Frame, Esq.
Corbally, Gartland, and Rappleyea, LLP
35 Market St.
Poughkeepsie, NY 12601

Scott H. Sekuler, Esq.
208 Monmouth Road
Oakhurst, New Jersey 07755

**RE: McColla Enterprises Ltd. d/b/a Street Corner v. Jay Dee Jig, Inc. and
Mina Patel, Civil Action No. 10-4374**

Dear Counsel:

The Court has received and reviewed Plaintiff McColla Enterprises, Ltd. d/b/a Street Corner’s (“Plaintiff”) Letter Application for an Order to Show Cause, accompanying Declaration and Memorandum of Law in Support, submitted by Mr. Frame on August 22, 2012, as well as Mr. Sekuler’s letter response, sent on behalf of Defendants Jay Dee Jig, Inc. and Mina Patel (“Defendants”). Plaintiff alleges that Defendants have not abided by the terms of their settlement and asks to the Court to hold Defendants in contempt and order sanctions and fees. In the Court’s January 5, 2012 Order, the Court granted Plaintiff’s Motion to Enforce the Settlement after it appeared that there was an enforceable settlement in this matter between the parties.

January 5, 2012 Order (Dkt. No. 24). The Court also noted, however, that “if any action is appropriate based on any alleged breach of the Settlement Agreement, the parties are directed to bring such an action *in the appropriate forum.*” Id. (emphasis added). This language was intended to signal to the parties that should any further dispute arise, the allegedly aggrieved party was to file a separate action in whatever forum was proper. This matter is now essentially a dispute for breach of contract, i.e. the settlement agreement, and Plaintiff should bring its claims against Defendants in either state or federal court, depending on Plaintiff’s preference and whether federal jurisdictional requirements are met. The Court considers this matter closed. Based on the above, as well as the Court having considered Plaintiffs’ papers, and for good cause shown, it is on this 23rd day of August, 2012:

ORDERED that Plaintiff’s Application for an Order to Show Cause is **DENIED**;

ORDERED that the any further actions regarding violation of the parties’ settlement should be brought as a separate action in the appropriate forum; and

ORDERED that this matter is **CLOSED**.

Very Truly Yours,

/s/ Freda L. Wolfson
Freda L. Wolfson, U.S.D.J..